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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/753,319	12/28/2000	David A. Hazlebeck	11156.79	1197
23862	7590	11/22/2006	EXAMINER	
NYDEGGER & ASSOCIATES			TRAN, LEN	
348 OLIVE STREET			ART UNIT	
SAN DIEGO, CA 92103			PAPER NUMBER	
			1725	

DATE MAILED: 11/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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09/753,319

Hazelbeck, David A.

EXAMINER

Len Tran

ART UNIT	PAPER
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1725

20061116

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Commissioner for Patents

The amendment filed with the request for continued examination (RCE) filed on October 18th, 2006 cancelling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP 821.03).

Note that the applicant cannot, as a matter of right, file a request for continued examination (RCE) to obtain continued examination on the basis of claims that are independent and distinct from the claims previously claimed and examined (i.e. applicant cannot switch inventions by way of an RCE as a matter of right). When claims are presented which the examiner holds are drawn to an invention other than the one elected, he or she should treat the claims as outlined in MPEP 821.03. See MPEP 819.

In order for claims in the non-elected group(s) to be examined, the applicants are required to file one or more divisional applications.

Len Tran  
Primary Examiner  
Art Unit: 1725